



Flathead Conservation District
133 Interstate Lane, Kalispell, MT 59901
www.flatheadcd.org 406-752-4220

CALL TO ORDER & ATTENDANCE

Chair Ronald Buentemeier called the April 9, 2018, 310-Stream Permit meeting to order at 7:00 P.M. in the conference room.

Board members present:

Ronald Buentemeier, Chair; Pete Woll, Vice Chair; Lori Curtis, Supervisor; John Ellis, Supervisor; Mark Siderius, Supervisor; Verdell Jackson, Supervisor; being a quorum of the Board.

Board members absent: Dean Sirucek, Secretary/Treasurer. Absence is excused.

Also in attendance were: Ginger Kauffman, FCD staff; Leo Rosenthal, MFWP; Mark Suta, MACD; Don Garner; Dan Brosten; Doug Siderius; Cameron Wohlschlegel, FH Stoltze L&L; Larry Brosten; Chester Powell, Big Mountain; Wayne Beatty; Wayne Bouley; Kent Reimer; Margarite Thomas, DEQ.

MINUTES

Mark Siderius motioned "to approve the minutes of the March 26, 2018, business meeting as presented." Verdell Jackson seconded. Ronald Buentemeier asked the supervisors if they all reviewed the minutes and if they were satisfied with the reasoning given for approving the Pohlman project on Whitefish River. They all stated "Yes". Motion carried unanimously.

CORRESPONDENCE

1. Mail: Joel Nelson, Land Solutions, will be submitting a subdivision proposal to Flathead County by May 7th and has asked if the district has any issues or concerns prior to the submittal.
2. Email: Petroleum County Conservation District newsletter *Winnett Aces* (*Agricultural Community Enhancement and Sustainability*)
petroleumcd@midrivers.com
3. Email: Flathead Audubon Society newsletter *The Pileated Post*
<https://www.flatheadaudubon.org>
4. Email: 2018 Range Forum, May 9-10, Big Horn Resort & Convention Center, Billings, Contact Stacey Barta, DNRC, 406-444-6619, sbarta@mt.gov, or register online at www.eventbrite.com, search Range Forum.
5. Email: Cascade Conservation District is co-hosting the 2018 River Rendezvous, July 11-12, 2018, Great Falls. Join us as we explore residential development along the river, tour the water treatment plant and the Black Eagle Dam, and engage the public in an aquatic invasive educational event on Broadwater Bay. Call Rachel 406-



- 454-0056 or Tenlee 406-727-3603 x125 for more information. Look for full tour agenda and details in April.
6. Email: Montana Department of Agriculture announces a free EDDMapS Pro webinar. April 9, 2018 - 10-12 MST, and April 16, 2018 – 10-12 MST. This is a new tool to help manage invasive plant data in Montana built on the EDDMapS platform. It was designed to aid professionals in the mapping, monitoring, and management of invasive species in areas without cellular/internet services. County data and spatial maps can be downloaded in the office on any smartphone or tablet, then taken into the field and be used to report new sites, re-visit old reports, and change the status of a site to either positive, negative, or treated. Register at <https://attendee.gotowebinar.com/rt/3146398047781368833> Contact Jasmine Reimer, Statewide Weed Coordinator, MDA, 406-444-7882, jreimer@mt.gov
 7. Email: National Association of Conservation Districts (NACD) publication *eResource* <http://www.nacdnet.org>
 8. Email: The National Association of Conservation Districts (NACD 2018) Policy Book (103 pages) will soon be available on the NACD members-only website. NACD publications: *Conservation Clips*, *eResource*, <http://www.nacdnet.org>
 9. Mail: A copy of MACD letter to 2018 MACD Scholarship winner, Mara Lorch from Kalispell.
 10. Email: Envirothon is April 23-24, at the Trade Center in Lewistown. Helpers are needed. Contact Shonny Nordlund, Fergus CD, 406-538-7401, Ext. 3001. fcd@midrivers.com
 11. Email: Montana Association of Conservation Districts (MACD) April 3, 2018 issue of *The Montana Conservationist*. www.swcdm.org
 12. Email: Montana Watershed Coordination Council March 29, 2018 issue of *Watershed News* <https://mtwatersheds.org>
 13. Email: Lewis & Clark CD spring issue of *The Explorer* newsletter www.lccd.mt.nacdnet.org
 14. Email: Notice of Whitefish Planning Board meeting, Thursday, April 19, 6:00 P.M., Whitefish City Council Chambers. www.cityofwhitefish.org
 15. Email: National Grazing Lands Coalition announces new round of Mini-Grants for advancing soil health, conservation, education and outreach on grazing lands. Applications due April 20th, 2018. Information can be located online at www.grazinglands.org under the "GRANTS" menu.
 16. Email: Cascade Conservation District newsletter *Conservation Chronicle* <http://www.cascadecd.com>
 17. Email: FWP seeks comments regarding Tiber Reservoir boating access. Send comments to fwpfsh@mt.gov by April 9, 2018. Written comments must be postmarked by 4/9/2018 and mailed to Fisheries Division, PO Box 200701, Helena, MT 59620-0701.
 18. Email: DNRC *April Notes*. Contact Laurie Zeller lzeller@mt.gov
 - DNRC 223-grant applications are due April 25.
 - Grant writing webinars are available on the DNRC CARDD website <http://dnrc.mt.gov/divisions/cardd/conservation-districts/training-and-information>
 - Range Forum, May 9-10, Big Horn Resort & Convention Center, Billings.



- <http://dnrc.mt.gov/divisions/cadd/cadd-events>
19. Email: DEQ is hosting the Montana Stormwater Conference, May 1-3, Bozeman, MT. www.mtstormwaterconference.org
 20. Mail: Save the Date! Montana Range Tour, September 5-6, Sidney. Co-hosted by Roosevelt and Richland Conservation Districts. Details coming in June.
 21. Email: Gallatin CD newsletter *Conservation Journal* <http://www.gallatincd.org>
 22. Email: Montana State University Extension, Montana Noxious Weed Education Program, Monthly Weed Post for April 2018, White Campion and Bladder Campion. Contact Jane Mangold, Associate Professor and Extension Invasive Plant Specialist, Dept. of Land Resources and Environmental Sciences, MSU Bozeman, (406)994-5513; jane.mangold@montana.edu
 23. Email: Center for Native Plants Opening Day, Monday, April 16, 10:00 A.M. – 6:00 P.M., 5605 Hwy 93 S, Whitefish, www.centerfornativeplants.com
406-862-4226

FINANCIAL

The following bills were reviewed:

1. Byte Savvy \$45.00
2. Family Forestry Expo \$9,000.00
3. Flathead Beacon \$528.00
4. MT Watershed Coordination Council \$1,000.00
5. Mountain Trader \$80.00
6. Western Washington University \$2,000.00

Lori Curtis motioned “to approve the bills as presented.” Verdell Jackson seconded. Motion carried unanimously.

PUBLIC COMMENT PERIOD

No one was present to comment on items not listed on the agenda.

310

Beatty, FL2017035, Flathead River, dock/bank stabilization/irrigation structure: Dean Sirucek and Kenny Breidinger were unable to attend the meeting. Ronald Buentemeier stated the landowner has submitted additional information to try to bring the project into compliance with the Adopted Rules. Lori Curtis read comments dated 4/5/2018 in Dean Sirucek’s Team Member Report (TMR). The TMR states *there are other designs that would work on this site. The design for a fixed deck and 2 floating dock wings, received on 4/4/2018, are within design limitations of our adopted rules. Therefore I would recommend approval.*

Ronald Buentemeier asked Mr. Beatty to explain his proposal submitted 4/4/2018. Wayne Beatty stated he designed the deck to run north and south to minimize the extent that it protrudes into Church Slough. The proposed deck is to be placed landward of high water and will be constructed beginning at the edge of the 30’ county road easement. It will extend



16' eastward. The deck would be cantilevered to minimize pilings in the water, and there would be a floating dock with two 8'x20' wings. It would be U-shaped.

Leo Rosenthal stated he looked at the new drawing, but he had not been out to the site. The revised drawings are closer to what would fit under the Adopted Rules. It is a narrow strip of land because of the county easement, but decks have to be landward. Part of this drawing is landward, but part is cantilevered over the water. Mr. Beatty stated he cannot build on the right-of-way. Leo stated that decks have to be placed landward and not cantilevered over the river. He went on to say that we have discussed decks and creating living space above the river many times, and just because there is not a lot of room does not mean we should violate the rules. The wings of the floating dock fit into the rules, but the cantilevered portion of the deck has to be brought landward. John Ellis asked Leo if the platform should be less than 16'. Leo responded that from the pier and back is fine, but the part that is cantilevered should be up to the board to discuss how it fits into the Adopted Rules and any other precedent you have set in the past. Pete Woll noted that within less than 100 yards southeast of this site, a cabin on the shore, a boathouse, and a deck over the water were permitted. This proposal is closer to the bank than the neighboring one is, and therefore we already kind of set a precedent in that particular spot.

Verdell Jackson stated there is not much traffic in the slough, and there are other docks and decks extending further over the water than this. He said he had talked to the lead engineer at Flathead Electric (FEC) and asked about their easement. They said it would not interfere with repairs and the deck could go in their easement. Leo responded that it could be placed further landward. Verdell concurred. Beatty stated he would be intruding on the 30' right-of-way, the county road easement. Ronald Buentemeier stated FEC is one thing, but we wouldn't want to impose on the county road easement.

Mark Siderius motioned "to approve the application as proposed per plans submitted 4/4/2018 and per Dean Sirucek's Team Member Report." Verdell Jackson seconded. Mark read the Review Considerations listed in Dean's Team Member Report. Leo stated we have had this discussion a number of times throughout the years about the precedent of creating living space over the river, and this is probably very close to that line. Motion carried unanimously.

Big Mountain/Whitefish Mountain Resort, FL2018016, First Creek, bridge: An onsite inspection was set for Tuesday, May 1, 10:00 A.M. at the site.

John Ellis noted the district has approved other bridges in the area. Chester Powell stated this is similar, but it is a walking bridge and not for snow cats.

Bouley, FL2018014, Flathead River, bank stabilization/steps: An onsite inspection was set for Wednesday, April 18, 9:30 A.M. at the site.

Boyd, FL2017053C, Nine Mile Creek, complaint: Ronald Buentemeier explained he had received a phone call from the complainant's roommate requesting another copy of the 1/16/2018 letter.



Ronald Buentemeier motioned “to continue to table until later in the spring when the site is viewable.” John Ellis seconded. Motion carried unanimously.

Brosten, FL2018015, Flathead River, bank stabilization/flood protection/fill/dike improvement: Dan Brosten explained after the snow melted, they went down to evaluate the dike and noticed significantly more decay from boat traffic. Years ago, they had taken dirt from the land side to buffer up the dike, but parts of it now need to be stabilized because it is not holding up in places. An onsite inspection was set for Tuesday, April 10, 9:30 A.M. at the site.

Campbell, FL2018008, Whitefish River, bridge: An onsite inspection was set for Tuesday, May 1, 1:30 P.M. at the site. Ronald Buentemeier voiced concern regarding the possible use of treated materials in the project. Leo Rosenthal and Mark Siderius both noted the Flathead CD Adopted Rules contain standards regarding wood treatments.

Dalimata, FL2018006, Deerlick Creek, bridge: Mark Siderius explained this application is for a bridge that had been installed in the 1980s to access a home site. The bridge was removed a few years ago. The rip rap, armament and gravel abutments are still in place. The application is to reinstall the bridge, which is currently across the highway. There was no disturbance when they pulled the bridge out. A few rocks will be moved by hand from the stream and tucked back into the bank. They will set the bridge without touching the stream, regrade the gravel abutments, and add approximately 10 yards of gravel to the highway side of the bridge to build the approach up. Mark read the Review Considerations in the Team Member Report. Leo Rosenthal noted they will cross the stream once and use a log truck loader to place the 40’ rail car bridge. Work will be done while snow is on the ground allowing as little disturbance as possible. Both Mark and Leo recommended to approve as proposed. Mark Siderius motioned “to approve the application as proposed and per the Team Member Report. The 15-day waiting period is waived with concurrence by FWP.” Verdell Jackson seconded. Motion carried unanimously

John Ellis asked if the previous bridge was the rail car. Mark stated yes, it was an old rail flat car which was removed in a family dispute. This is now being worked out via legal process to settle the estate. Margarite Thomas noted in addition to removing the bridge, the house was torn down and buried. There may be a DEQ complaint as it is a violation of the Solid Waste Management Act. As part of resolving the complaint and to access the property they will need a 310-permit.

FH Stoltze L&L, FL2018009, South Fork Canyon Creek, channel alteration/diversion: Ronald Buentemeier stated this application is for diverting South Fork Canyon Creek into Trumbull Creek. Ronald Buentemeier asked Leo Rosenthal if FWP needed to do an onsite inspection as they have been there before. Leo answered no. Ronald Buentemeier motioned “to approve the application as submitted. The onsite inspection is waived with concurrence by FWP.” Lori Curtis seconded. Motion carried unanimously.

FH Stoltze L&L, FL2018010, various streams, annual road maintenance: Ronald Buentemeier stated in the law there is provision for annual maintenance for roads, water diversion etc. The district has permitted maintenance by FH Stoltze, Plum Creek and



Weyerhaeuser in the past, and, as part of the permitting process, they contact the district office in advance of doing the project. Leo Rosenthal stated in some of the discussions with Kenny Breidinger there was a sticking point regarding culvert extensions. Kenny felt that culvert extensions were not maintenance, but it would be an actual project. Ronald Buentemeier stated the applicant could include that in the application and notify the district office within the 7 days so then we have an opportunity to do an onsite inspection. Ronald Buentemeier motioned "to approve the application as submitted for annual road maintenance." Verdell Jackson seconded. Motion carried unanimously.

Garner, FL2018013, Krause Creek, bank stabilization/channel brush bundles: An onsite inspection was set for Monday, April 23, 9:30 A.M. at the site.

Miser/LEC, FL2018007, Unnamed, utilities: Verdell Jackson stated this project is for an electrical line. They will be using a mini excavator to trench. Verdell asked if an onsite was needed. Leo Rosenthal stated because it will be trenched an onsite inspection could be set up. An onsite inspection was set for Friday, April 20, 1:30 P.M. at the site.

Oursland, FL2018011, Flathead River, dock/boat lift: An onsite inspection was set for Tuesday, April 10, 10:30 A.M. at the site.

Peura, FL2017054C, Whale Creek, complaint: Ronald Buentemeier motioned "to table until the site is viewable." Lori Curtis seconded. Motion carried unanimously.

Pheifer Trust, FL2017057C, Nine Mile Creek, complaint: Ronald Buentemeier motioned to table until the site is viewable." John Ellis seconded. Motion carried unanimously.

Reimer, FL2018012, Haskill Creek, bridge: An onsite inspection was set for Tuesday, May 1, 11:30 A.M. at the site.

Siderius, FL2018005, Flathead River, bank stabilization/dock: Pete Woll explained the project is just north of Foys Bend. Part of the project is for maintenance as the riverbank has settled. The application also includes a dock and boat lift. A new drawing was submitted for the boat lift, which will be on pilings. Leo Rosenthal stated the original drawings did not fit the dock specifications in the Adopted Rules, so he and Pete asked Doug Siderius to submit a new drawing. The drawing dated April 5th shows the maximum wing of 30 feet, and a 6' dock width for a fixed pier. It is 26' in length to give additional depth for a boat. Leo stated this now fits under the specifications of the Adopted Rules and I would recommend approval. Pete noted that the previous landowners had cabled some logs to break the wave action, but it was not permitted. We have included pulling the cabled logs back into the riprap in the Team Member Report. Doug Siderius explained the cabled logs, which are a ways from the bank, will be pulled up against the bank and rocks placed over the top.

Pete Woll motioned "to approve the application with modifications submitted 4/5/18 and as listed in the Team Member Report." Pete reviewed the considerations in the Team Member Report and noted erosion cloth needs to be installed at the top of the riprap to prevent erosion from the exposed soil. Lori Curtis seconded. Motion carried unanimously. *Mark Siderius abstained from voting.*



Smith, FL2017062, Flathead River, road construction/driveway: Mark Siderius motioned “to table pending a response from the landowner.” Lori Curtis seconded. Motion carried unanimously.

Stalowy, FL2016050, Bear Creek, litigation:

The following documents were received from Caitlin Overland, Flathead County Attorney’s office, and copies given to the Flathead CD supervisors.

- Order on Respondent’s Motion to Supplement Record
- Petitioner’s Brief in Support of Second Amended Petition for Judicial Review
- Minutes from the March 24, 2003, Montana Senate 58th Legislature, Committee on Agriculture, Livestock and Irrigation meeting

Mark Siderius asked about DEQ permits. Margarite Thomas, DEQ, stated a 318-permit was issued and a Storm Water Construction permit is being worked on.

NEW BUSINESS

USGS Stream Gage Agreement: Ginger Kauffman explained the United States Geological Survey (USGS) Foys Bend, Flathead River, Stream Gage agreement covers data collection March 1 – September 30, 2018. Flathead CD’s funding portion is \$1730. Mark Siderius motioned “to approve the USGS Joint Funding Agreement for the Foys Bend gage.” John Ellis seconded. Motion carried unanimously.

Assistant Conservationist Position: Ronald Buentemeier stated Valerie Kurth has submitted a recommendation to the board to hire Hailey Graf as the new Assistant Conservationist. Proposed start date is 4/16/2018, with a starting salary at Grade 5 Step 6. Lori Curtis motioned “to accept Valerie Kurth’s recommendation for hiring Hailey Graf as the Assistant Conservationist with the starting salary of \$18.67 per hour.” Mark Siderius seconded. Motion carried unanimously.

MATTERS OF THE BOARD/STAFF

Family Forestry Expo: Supervisors were asked to sign-up to help at the Riparian Station for the Family Forestry Expo, May 7-11.

College Scholarship Awards Ceremonies: Supervisors were asked to present certificates to the college scholarship winners at the upcoming High School award ceremonies:

Glacier High School: Wednesday, May 16, 6:00 P.M. Presenter: John Ellis

Flathead High School: Wednesday, May 23, 6:00 P.M. Presenter: Lori Curtis

Columbia Falls High School: Wednesday, May 23, 7:00 P.M. Presenter: Ronald Buentemeier

Montana Association of Conservation Districts (MACD) Dues Letter: Copies of the March 26, 2018 letter from MACD regarding FCD dues were given to the supervisors. The letter states funds will be returned to the district if the FCD’s request of full voting privileges is not accepted by the MACD Board.



Pete Woll introduced Mark Suta, the new MACD President. Mark thanked the Flathead CD for letting him sit in on the meeting and noted the problems here are more dynamic than on the other side as Glacier CD has not done a 310 in a long time. Mark briefly reported on the hiring process for a new Executive Director, and explained MACD met with a mediator in January and began to develop a Strategic Plan.

Mark thanked the board for the dues. He noted Glacier CD has never paid MACD dues so he will not be the person to demand dues, and stated there are other districts in the state that have not paid dues. If dues are not being paid, then MACD is doing something wrong. Last year, MACD asked districts to send a letter stating why they paid partial dues, and Flathead CD responded. The letters can be used as a tool to learn why MACD is not receiving 100% dues and make changes. A dues committee was included in the Strategic Plan, so after the June meeting, guidelines can be given to them to begin work on this issue. Mark also reported that the MACD board had accepted the Flathead CD's 2018 dues letter today, and the Flathead would have full voting rights.

Subsequent discussion included dues enforcement, reasons for lack of payment, voting privileges, district attendance at convention, proposed 310 code amendments, and proposed changes to the joint application.

Area V Email: FCD Supervisors and Mark Suta were given copies of an email from Lake CD, which included: a letter regarding the Area V Director vacancy, an MACD Board Member Job Description, the Area V Supervisor's Meeting Minutes from March 29, 2018, and a copy of an email from Verdell Jackson regarding proposed changes to MCA 75-7-103 (8) and 75-7-112 (3).

The next business meeting is scheduled for Monday, April 23, 2018, 7:00 P.M. in the conference room of the USDA building at 133 Interstate Lane, Kalispell.

Adjournment: Lori Curtis motioned "to adjourn." Verdell Jackson seconded. Motion carried unanimously. As there was no further business, the meeting was adjourned at 9:25 P.M.

Submitted By: Ginger Kauffman, Administrator & Valerie Kurth, Resource Conservationist

Minutes approved by FCD Board motion made on:

<u>4/23/2018</u>	<u>Ronald Buentemeier</u>	<u>Chair</u>
(Date)	(Signature)	(Title - Chair etc.)

